

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELADIER ZARATE,

Petitioner,

v.

UNITED STATES GOVERNMENT,

Respondent.

Case No. 15-cv-4367-PJH

ORDER OF DISMISSAL

Eladier Zarate, a federal prisoner, filed a pro se petition for writ of mandamus on September 23, 2015. However, he did not pay the filing fee or complete the In Forma Pauperis ("IFP") affidavit at the time of filing. On October 19, 2015, petitioner was sent a notice that he had not completed the IFP affidavit, and was sent another IFP application. Nevertheless, he did not complete and return the application.

On November 25, 2015, the court issued an order to show cause, advising petitioner that, no later than December 16, 2015, he must either pay the fee or submit the completed IFP application, or show cause why the court should not dismiss the petition for failure to pay the filing fee.

The time period has passed, and petitioner has not filed a completed IFP application or paid the filing fee. Accordingly, the petition is DENIED, and the action is DISMISSED without prejudice. No fee is due. The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 18, 2015



PHYLLIS J. HAMILTON
United States District Judge